

Amendment
Serial No. 09/899,878

Docket No. PHFR 000074

REMARKS

Reconsideration and withdrawal of all grounds of rejection contained in the Office Action are respectfully requested in light of the above amendments and the following remarks. Base claims 1 and 5-6 have been amended, no new matter has been added. Claims 1-6 are pending herein.

The Abstract and claims 2, 3 and 5 have been amended to overcome the objections in the Office Actions. Removal of these objections is respectfully requested.

Claims 1 and 5-7 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Song et al (U.S. 6,560,371).

Claims 2-4 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Song et al. in view of Hampson et al. (Motion Estimation in the Presence of illumination Variations).

Applicants respectfully submit that the amendments made to claims 1 and 5-6 overcome all of the rejections listed above.

Base claim 1 has been amended to recite (*inter alia*): ... computing a histogram of luminance or chrominance of original values associated with pixels belonging to a video frame... Base claims 5-6 recite similar limitations.

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Applicants respectfully submit that Song et al. does not disclose, suggest, or implies computing a histogram of luminance or chrominance of original values associated with pixels belonging to a video frame.

Although, Song teaches a preprocessing module 120 for motion estimation module 140, it is used to filter and quantize each frame into a plurality of resolutions, in a hierarchical manner or pyramid of resolutions. This pyramid is then used to classify areas as areas of high activity or low activity. Thus, Song, in fact teaches away from the present invention.

Accordingly, it is respectfully submitted that at least for the reasons indicated above, instant base claims 1 and 5-6 are patentable. With regard to the rejection under 35 U.S.C. §102(b), the Court of Appeals for Federal Circuit has held that:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

In the present application, it is respectfully submitted that Song fails to disclose each and every element as set forth in base claims 1 and 5-6. Nor would a person of ordinary skill in the art have found any of the instant claims obvious in view of Song or Hampson et al., either alone or in combination.

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For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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